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8 BRIAN COPPEDGE, et al.,
9 Plaintiffs,
10 v.
11 PHH MORTGAGE CORPORATION, et al.,
12 Defendants.

13 Case No. 3:15-cv-04945-LB
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15 **ORDER**
16 Re: ECF No. 10

17 The plaintiffs originally sued PHH Mortgage Company on April 21, 2015 in state court to
18 quiet title. (See Notice of Removal, ECF No.1; Joint Status Update, ECF No. 10.) The original
19 complaint did not name HUD. (Joint Status Update, ECF No. 10.) Before they served PHH, PHH
20 transferred title to HUD, and the plaintiffs then filed a first amended complaint adding HUD as a
21 defendant. (See *id.*; First Amended Complaint, ECF No. 1-1.) Thus, PHH is not a property owner
22 of record, the plaintiffs are not now proceeding against PHH, and they plan to file an amended
23 complaint only if and when PHH becomes the property owner of record. (See Joint Status Update,
24 ECF No. 10 at 2.) Under the circumstances, and given that PHH has not been served and the
25 plaintiffs do not intend to serve them currently, the court's inclination is that it should dismiss
26 PHH without prejudice under Federal Rule of Civil Procedure 4(m). By January 14, 2016, the
27 parties must confer and then file a short joint statement with their positions on this approach.
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ORDER (No. 3:15-cv-04945-LB)

1 **IT IS SO ORDERED.**
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Dated: January 5, 2016



LAUREL BEELER
United States Magistrate Judge